

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**#7  
m.m  
8/14/02

In re the Application of Timothy P. Croughan

Examiner Clardy, S.

Serial No. 09/830,194

International Filing Date 05 November 1999

Group 1616

35 U.S.C. § 371 Date 23 April 2001

For: Herbicide Resistant Rice

Atty. File 98A9-US Croughan

Commissioner for Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231**REQUEST FOR WITHDRAWAL, CLARIFICATION, AND  
(IF APPROPRIATE) RE-MAILING OF RESTRICTION REQUIREMENT**

Dear Sir or Madam:

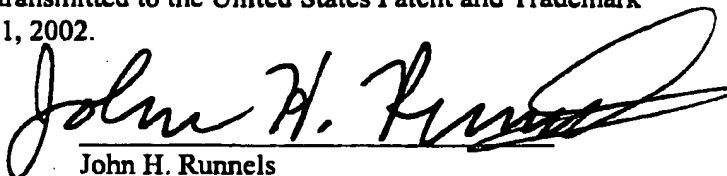
Applicant respectfully requests that the restriction requirement mailed on March 15, 2002 be withdrawn, clarified, and (if appropriate) re-mailed. The March 15, 2002 restriction requirement refers incorrectly to which Claims are actually pending in this application.

The international application was originally filed with Claims 1-81. During the international phase, the application was amended to contain claims 1-15, 31-38, 54-73, and 75-128.

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**CERTIFICATE**

I hereby certify that this Request is being transmitted to the United States Patent and Trademark Office by facsimile to (703) 872-9306 on March 21, 2002.

John H. Runnels  
Registration No. 33,451  
March 21, 2002

Upon entry into the United States national stage, by Preliminary Amendment dated April 23, 2001, the Office was requested to amend the claims: (1) first, to conform to the amendments made during the international stage, by entering the annexes to the International Preliminary Examination Report (copies of which were enclosed); and (2) second, by then canceling claims 62-73 and 75-81.

Therefore, the claims that are pending in this application are 1-15, 31-38, 54-61, and 82-128, as was clearly pointed out on page 3 of the April 23, 2001 amendment. Further, the filing fees that were paid upon entering the national stage conformed to these claims, not to the claims that were identified in the restriction requirement.

It appears that the claims identified in the restriction requirement, 1-61 and 74, resulted from a clerical error -- namely, overlooking the entry of the amendments reflected in the international annexes prior to making the other amendments requested in the preliminary amendment.

Accordingly, the Office is respectfully requested to: (1) withdraw the March 15, 2002 restriction requirement; (2) enter the amendments to the specification and claims reflected in the international annexes; (3) then enter the other amendments requested in the April 23, 2001 preliminary amendment; (4) re-consider the restriction requirement, and (5) if still considered appropriate, mail a new restriction requirement, with a new mailing date, and setting a new period for response.

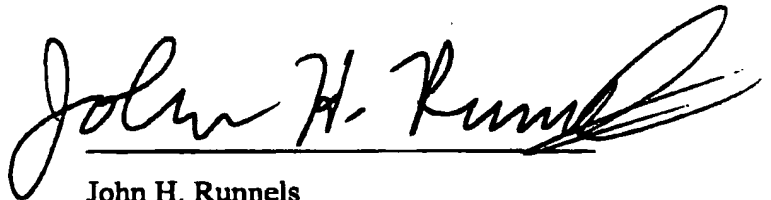
Applicant will not comment on the merits of the proposed restriction requirement for the time being. The Office is advised, however, that a preliminary review of the March 15, 2002 restriction requirement suggests that the restriction requirement probably does not comply with applicable standards. Applicant would likely ultimately file a petition to seek review of the restriction requirement if its substance is repeated -- that is, once it is procedurally timely to do so. The Office is therefore respectfully requested to carefully re-consider the rationale and need for any restriction requirement.

### **The Priority Claim**

On another matter, Applicant notes that the March 15, 2002 "Office Action Summary," form PTO-326, particularly boxes 13 and 14, incorrectly refers to the priority that is claimed by this application. Domestic priority has in fact been claimed under 35 U.S.C. § 119(e). There has been no claim for foreign priority under 35 U.S.C. § 119(a)-(d). The Office is respectfully requested to correct this clerical error in the next communication concerning this application. See M.P.E.P. § 1893.03(c), under the heading "Priority Claim under 35 U.S.C. 119(e), or 120 and 365(c)."

Allowance of all pending Claims at an early date is respectfully requested.

Respectfully submitted,



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March 21, 2002